

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

ENERPLUS RESOURCES (USA))	
CORPORATION,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:16-cv-00103-DLH-CSM
)	
WILBUR D. WILKINSON, an individual;)	
THE THREE AFFILIATED TRIBES, FORT)	
BERTHOLD DISTRICT COURT; REED)	
ALAN SODERSTROM, agent for Wilbur D.)	
Wilkinson; and ERVIN J. LEE, an individual,)	
)	
Defendants.)	

**MOTION FOR PRELIMINARY INJUNCTION
AND AN ORDER REQUIRING DEFENDANT SODERSTROM
TO DEPOSIT THE EXCESS MONEY INTO COURT**

Plaintiff, Enerplus Resources (USA) Corporation (“Plaintiff”), by and through its attorneys, hereby moves the Court for a preliminary injunction prohibiting the District Court for the Three Affiliated Tribes from exercising jurisdiction over any dispute arising under or related to the Settlement Agreement, the ORRI Assignment, the Wilkinson Division Order and/or related transactions. The Settlement Agreement, the ORRI Assignment and the Wilkinson Division Order contain forum selection clauses providing the state and federal courts of North Dakota with exclusive jurisdiction over any disputes arising from or related to such Agreements and thus, the Tribal Court does not have jurisdiction to hear the case currently pending before it. Additionally, Plaintiff moves the Court to order Defendant Soderstrom to deposit the Excess Money into the Court pending final resolution of this matter. In support of this Motion, Plaintiff directs the Court to the attached Memorandum in Support of Motion and supporting documentation.

WHEREFORE, Plaintiff respectfully requests that the Court grant its motion for a preliminary injunction prohibiting the District Court for the Three Affiliated Tribes from exercising jurisdiction over disputes arising under or related to the Settlement Agreement, the ORRI Assignment, the Wilkinson Division Order, and/or related transactions and for an order requiring Defendant Soderstrom to deposit the Excess Money into the Court pending final resolution of this matter, and for such other and further relief as the Court deems just and equitable.

Date: May 5, 2016

Respectfully submitted,

LATHROP & GAGE LLP

By: /s/ Graham P.B. Boswell

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